SUPPLEMENT TO THE BOMBAY COURIER.

SATURDAY, MARCH 19; 1814.

(Continued from the laſt Page.)

when leading the column to ſtorm the bridge at Guimarra. Thus the young officer finiſhed his fifth active campaign and honourable career, univerſally eſteemed and regretted, not only by his family and the officers of his own rank, but by all the General officers to whom he was perſonally known. He united the moſt amiable and poliſhed manners in private life, with the moſt cool and determined gallantry in the field. The firſt time he encountered the enemies of his country, was as a Captain of Light Infantry, under the immediate eye of Sir Thomas Graham, and his then conduct was rewarded by the eſteem and favour of that great man ever after.—He was alſo a worthy pupil of the late Major-General Le Marchant, and the Rev. Dr. Rayne and Archdeacon Owen, and died like a Chriſtian and a Hero. Capt. Hay was one of thoſe Officers on whom his Royal Highneſs the Prince Regent was graciouſly pleaſed to confer the rank of Major, for their gallant conduct at the Battle of Vittoria.

At Bermuda, July 1ſt Lady Beresford, wife of Commodore Sir John Beresford, of His Majeſty's Ship Poictiers.

The following is a copy of a Paragraph in the St John's Gazette, Newfoundland.—

On Sunday morning the 20th of June. Captain Charles J. Hobart, of His Majeſty's Ship Muros, aged 23 ſecond Son of the late lamented Hon. George Hobart; and on Tueſday his remains were interred with Military honours, and with every ſolemnity that could mark regard to the memory of a young officer who had ſhewn, on all occaſions, an active and ſteady courage, and an ardent deſire to diſtinguiſh himſelf Major General Moore was preſent with the officers and troops under his command, and Major Macbraine, with the officers of the St. John's Volunteer Rangers. The funeral was alſo attended by his Excellency the Governor and the officers of his Majeſty's Ships in this harbour, and a number of the Gentlemen of the town.

The proceedings in the Supreme Court of Madras against Archibald Douglas, Eſq. and Thomas Gahagan, Eſq of the Civil Service, & Lieut. Francis Carnac Brown, of his Majeſty's 80th Reggiment, having been terminated on Tueſday laſt, we ſhall now endeavour to lay before our Readers the circumſtances of the unpleaſant tranſaction, which led to the proſecution of the Defendants,—and in diſcharging this part of our duty to the public, we truſt, that we ſhall not overſtep the line preſcribed on ſimilar occaſions, either by aggravating the caſe, or by ſtating any matter that is not indiſpenſably neceſſary to enable our Readers to comprehend the ſubject.

It appeared from the Affidavits filed and read, and from the criminal informations, exhibited in the Court.—That Thomas Harvey Baber, Eſq. Judge and Magiſtrate of the Zillah of North Malabar, had as ſuch received information in the early part of 1812, that many free born children, natives of Travancore, were in ſlavery within that Zillah.—That he took the neceſſary means to aſcertain whether the information was well founded.—That in conſequence, many children, who had been improperly obtained in the Travancory Country, were diſcovered in actual ſlavery—liberated and reſtored to their Country. That having finiſhed his proceedings, Mr. Baber made an official report of the ſame to the Madras Government.—That ſome months afterwards, it was ſuggeſted to Mr. Baber, by ſome of his friends, that his conduct as a Magiſtrate reſpecting the Children and ſlaves ſo liberated had been canvaſſed, and by ſome condemned—and, that in particular, rumours had been circulated at Tillicherry, and in the neighbourhood by Mr. Murdoch Brown, (the father of the Defendant Lieutenant Brown,)—by the Defendant Mr. Danglas, and by others,—prejudical to Mr. Baber's character as a Magiſtrate—and that Mr. Baber to defend himſelf againſt theſe rumours ſhewed to ſome of his particular friends, within the Zillah, a copy of his official report to Government, touching the liberation of the Children.

It also appeared that in October 1812, Lieut. Brown having made a viſit to Tellicherry, heard a report, connected with the Magiſterial proceeding before alluded to; which he conſidered injurious to the character of his father—and which as he belived he had traced to Mr. Baber—That upon this, he conſulted with his friend, Mr. Douglas, as to the means of obtaining from Mr. Baber, a contradiction of the offenſive report—and propoſed to call on Mr. Baber for that purpoſe—That Mr. Douglas, who it appears had been for ſome time on very bad terms with Mr. Baber, endeavoured to diſſuade Mr. Brown from making his projected viſit to Mr. Baber—but without effect.—That unknown to Mr. Douglas, and againſt his advice, Mr. Brown, had called at Mr. Baber's houſe, but that not finding him at home, Mr. Brown had informed his friend Mr. Douglas of the ſtep that he had taken; when, Mr. Douglas, as appeared by his Affidavit, had expreſſed great concern that Mr. Brown had ſo acted. It further appeared however, that as Mr. Brown perſiſted in his determination to call on Mr. Baber—Mr. Douglas at length gave way, and promiſed to *aſſiſt* Mr. Brown in obtaining from Mr. Baber the means of contradicting the report, ſuppoſed to have originated with him, injurious to Mr. Murdoch Brown.

It further appeared that on the Ninth of October 1812, while Mr. Baber was ſitting in his own houſe, attended by ſeveral Native Officers of his Court, and in the act of tranſlating certain depoſitions of Witneſſes—That Lieutenant Brown went in a Tellicherry Chair or Palankeen to Mr. Baber's reſidence—and that without cauſing himſelf to be announced in any manner, Lieutenant Brown entered the Houſe and the apartment in which Mr. Baber was ſo ſitting—and in an offenſive manner, with his hat on his head—and with a horſe-whip in his hand, *demanded* that Mr. Baber ſhould ſend away the people then in attendance on him—That Mr Baber refuſed to comply with this demand—whereupon Lieutenant Brown " in vehement " language told Mr. Baber, that he had come to " demand private ſatisfaction for a report ſaid to " have originated with Mr. Baber to the prejudice " of Lieutenant Brown's father"—That Mr. Baber declared, " that the report alluded to by Lieut " Brown did not originate with him—and that he " did not believe that ſuch a report was in circu- " lation"—That Lieutenant Brown nevertheleſs inſiſted " that Mr. Baber ſhould give a written " declaration that the report was falſe, or give " Lieutenant Brown other ſatisfaction'—That Mr. Baber replied " he would never hold himſelf " accountable to any individual for reports ariſing " out or of, connected with his judicial acts—that his " proceedings relating to the Travancore Children " were public, and had been reported to the Go- " vernment—and that parties aggrieved might ap- " peal againſt his official acts"—That Lieutenant Brown after imputing to Mr. Baber enmity againſt Mr. M. Brown, which Mr. Baber denied, declared " that he would not be put off but would have " the writing or other ſatisfaction" which being again refuſed by Mr. Baber—Lieutenant Brown told Mr. Baber " that he ſhould hear further from " him;" and after uſing the offenſive expreſſion " Damn you"—left Mr Baber's houſe.

It likewiſe appeared from the proceedings that a ſhort time after Lieutenant Brown had thus quitted Mr. Baber Mr Douglas, (whoſe Office for tranſacting buſineſs was ſtated to be the next door but one to Mr. Baber's reſidence,) entered Mr. Baber's houſe, in a manner very ſimilar to that which has been aſcribed to Lieutenant Brown—and that with a *Stick* in his hand and *his* Hat on his head, Mr. Douglas ſtated to Mr Baber " that he Mr. Dou- " glas had ſomething privately to ſay to him."—That Mr Baber, for reaſons which he ſaid, Mr. Douglas muſt have been aware of, refuſed to hold any perſonal communication with Mr Douglas—whereupon Mr: Douglas in a menacing tone, told Mr. Baber, " that he had come to demand of " Mr. Baber to meet and fight with Lieutenant " Brown—and that if Mr. Raber did not fight, he " ſhould be poſted as a *Liar* and a Coward, and " that eternal diſhonour and infamy ſhould be " brought upon him."—That after this threat Mr. Douglas departed.

Mr. Baber in an affidavit in anſwer to one ſworn to by Mr. Douglas, explained the reaſons which operated on his mind in refuſing to hold perſonal communication with Mr Douglas—and ſtated, that long antecedently to the [illegible] laſt mentioned, all intercourſe, except on official ſubjects, had terminated between him and Mr. Douglas—and that he Mr. Baber conſidered Mr. Douglas to be his moſt inveterate enemy.

It further appeared, that about 12 o'clock of the ſame day, the Defendant Mr. Thomas Gahagan called on Mr. Baber, and informed him, " that " *he* was deputed by Lieutenant Brown, in con- " ſequence of Mr. Baber's having refuſed to hold " communication with Mr. Douglas, to demand " an apology for, or writing contradictory of the " report in circulation to the prejudice of Lieute- " nant Brown's father, which report it was under " ſtood had originated with Mr. Baber" It was alſo ſtated in the affidavit of Mr. Baber, that altho' he refuſed to give the writing or make the apology ſo required, he expreſſed his willingneſs to explain, and did explain to Mr. Gahagan the circumſtances connected with the report in queſtion—and expreſſed a hope, that Mr Thomas Gahagan would withdrawn himſelf from further interference in the buſineſs; but that notwithſtanding the explanation ſo given by Mr. Baber, Mr. T. Gahagan in arrogant terms demanded from Mr. Baber, " a writ- " ing contradictory of, or an apology for the report " in circulation to the prejudice of Mr. M. " Brown," adding that Mr. Baber muſt take the " conſequences of a refuſal which would be attend- " ed with everlaſting ignominy to him."

It alſo appeared that after uttering this threat, Mr. T. Gahagan took his departure, and that in a ſhort time afterwards, a paper was paſted on a Wall oppoſite to the houſe of Mr. Baber in the hand writing of Lieutenant Brown, containing the following words: " Mr. Thomas Baber is a Liar and a Coward "

It further appeared, that about two hours after Mr. Baber had been ſo poſted, Mr. Thomas Gahagan made another viſit to Mr. Baber, and that after informing him that Lieutenant Brown had put his threat into execution, he ſtated, that he Mr. T. Gahagan had been ſent by Mr. Douglas to demand ſatisfaction from Mr. Baber for an expreſſion which had fallen from Mr. Baber in his former converſation with Mr. T. Gahagan, namely—" that " Mr. Baber's reaſon for not hold- " ing any communication with Mr. Douglas, was, " that he Mr. Douglas was no Gentleman, or " words to that effect,"—To this, as appeared from Mr. Baber's affidavit, he immediately replied, that he Mr. Baber, had not uſed the expreſsion imputed to him by Mr. Gahagan, but had ſaid " that he had forcible reaſons" for not holding any communication with Mr. " Douglas,"—It appeared that Mr. T. Gahagan not ſatisfied with this reply, intimated to Mr. Baber, " that he *had* made " uſe of the words aſcribed to him, and that they, " Mr. T Gahagan and Mr. Baber muſt ſettle " that point, and that Mr. Baber ſhould hear fur- " ther on the ſubject".

The affidavits of Mr. Baber diſcloſed other circumſtances, which we think do not materially bear on the ſubject immediately before the Court, and particularly reſpecting a meſſage which was afterwards ſent by Mr. T. Gahagan to Mr. Baber—and, the affidavit of Mr. T. Gahagan denied generally the ſtatement of Mr. Baber, and aſſerted that Mr. Baber *did* uſe the offenſive words reſpecting Mr Douglas Several circumſtances relating to the children which had been found in the Zillah of North Malabar and liberated by Mr. Baber, were alſo ſtated in Mr. Baber's affidavit; but we do not conſider a detail of theſe matters as neceſſary to explain the proceeding before the Court. We ſhall therefore content ourſelves with the preceding ſummary of the facts which appeared before the Court—in giving which, we have endeavoured to detail them as impartially as poſsible.

It alſo appeared that when the events of this extraordinary day had paſſed as we have deſcribed, Mr. Baber applied for the protection of the Civil and Military Authorites of the Zilla—and that Meſsrs Douglas and Gahagan, were required to enter into recognizances to keep the peace—and Lieutenant Brown was placed in arreſt.

Mr. Baber, as it was *ſtated* by his Counſel, in order to account for his delay in applying to the Supreme Court, communicated to the Madras Government the occurrences of the 9th of October—and, as we are informed, for ſome time expected, that the Company's Law Officers would be directed to proſecute the Defendants for offences againſt him as a Public Magiſtrate.—Early in the laſt year, however, he learnt that the Government did not think it expedient to direct a proſecution—and Mr. Baber then laid his papers before Councel.—He was adviſed that the caſe was of a nature moſt fitting to obtain the extraordinary interpoſition of the Law, and was recommended by his Counſel to apply to the Supreme Court, for a rule to ſhew cauſe why Criminal Informations ſhould not be filed againſt the Defendants. In the firſt Term of the laſt year—the Court was moved for a Commiſsion to ſwear Mr. Baber who was then in North Malabar, to the truth of an Affidavit, containing the principal facts already noticed—and in the ſecond Term, which commenced in March laſt, a rule was obtained; calling on the Defendants to ſhew cauſe why Criminal Informations ſhould not be filed—This rule, we believe, was granted by the Lord Chief Juſtice; but refuſed, if our recollection be correct, by Mr. Juſtice Macnaghten, principally upon the ground; that His Lordſhip conſidered the Court not to have Juriſdiction to entertain ſuch a proceeding—The Defendants in the 3d Term, appeared by Counſel and endeavoured to ſhew cauſe why the rule ſhould not become abſolute—and their Counſel Mr H. Gahagan, then took various objections to the proceedings—but mainly contended, that the Supreme Court had not Juriſdiction—and that if it had, the Proſecutor wa [illegible] reſorting to it. The Lord Chief Ju [illegible] Juſtice Newbolt, (who had then re [illegible] Bombay) made the rule abſolute a [illegible] reſpective reaſons, for holding that th [illegible] Juriſdiction to grant the informations [illegible] Mr- Juſtice Macnaghten, we *believe*, [illegible] contrary opinion reſpecting the Juri [illegible] ſtated that the Proſecutor had not a [illegible] the delay, from the time of the offence [illegible] of the application to the Court.

Informations were accordingly filed, [illegible] 4th Seſsion of laſt year, the defendants [illegible] pleaded Guilty, and were allowed t [illegible] large on their recognizances, to appear for Judgment in the laſt Term, They did appear, and Mr. H. Gahagan on the part of the Defendant Thomas Gahagan, moved ſeveral matters in arreſt of Judgment—many of which, as it was afterwards ruled, did not ariſe on the *record*.—The Advocate General Sir S. Toller, on the behalf of the Defendants Brown and Douglas, claimed for his clients the benefit of the objections urged by Mr. H. Gahagan—and rules to ſhew cauſe were granted in each caſe—Counſel for the Proſecutor, in due courſe, argued the ſeveral objections—and the rules for arreſting the Judgments were diſcharged.—Affidavits were then filed in extenuation of Puniſhment,—and on Tueſday laſt the Defendants were brought before the Court to receive their ſentences.

When the Judges aſcended the Bench, the Lord Chief Juſtice intimated, that before Sentence ſhould be paſſed. Mrs. Juſtice Macnaghten, intendad to expreſs an opinion, on the ſubject of the proceeding before the Court—whereupon Mr. Juſtice Macnaghten, from notes, which his Lordſhip ſaid had been haſtily prepared, deliveree his ſentiments on the point af Juriſdiction—and expreſſed his decided opinion that unleſs the Juriſdiction of filing criminal informations for miſdemeanors, was derived from the late Mayor's Court, which his Lordſhip ſaid was *poſsible*, the Supreme Court did not poſſeſs the authority which it was then exerciſing. His Lordſhip quoted the 33d of his preſent Majeſty for the purpoſe of ſhewing that the Informations referred to by the Charter of the Supreme Court, muſt intend Informations *qui tam*—and urged many arguments founded on the terms uſed by the framers of the Charter in defining the different Juriſdictions of the Court—We cannot venture to offer any further explanation or detail of what fell from his Lordſhip—and our readers will not expect from *laymen* a correct report of that, which could only be well underſtood by learned Members of the profeſsion.

When Mr. Juſtice Macnaghten had finiſhed his obſervations, Mr. Juſtice Newbolt and the Lord Chief Juſtice declared that they adhered to *their* opinions and conſidered that the Court poſſeſſed the Juriſdiction, which the Lord Chief Juſtice then proceeded to exerciſe in a moſt eloquent, ſolemn and impreſsive manner by paſsing Sentence on the Defendants.

We ſhall endeavour to give the ſubſtance of of His Lordſhip's ſentence as nearly as we can in the ſame manner that His Lordſhip addreſſed it to the reſpective Defendants-

" Francis Carnac Brown, Archilbald Douglas and Thomas Gahagan—You F. C. Brown ſtand convicted of challenging the Proſecutor being a Magiſtrate—and you A Douglas and Thomas Gahagan have been ſeverally convicted of carrying a challenge to the ſame Proſecutor. I am perſonally acquainted with you all, and it may be readily conceived that I am not performing a pleaſant office in paſsing on you, that Sentence, which I am about to pronounce. On the contrary I am called upon to diſcharge a moſt painful act of duty, from the performance of which however, if I were to ſhrink, I ſhould myſelf commit an offence againſt that Juſtice which I am bound to adminiſter. It is a great conſolation to the Court on this occaſion that your guilt and many circumſtances of aggravation ſtand confeſſed, and do not reſt on the opinion of a *Jury*—the example to be made, is therefore warranted by your acknowledged delinquency. *Although the proceeding againſt you* has been by Information, in your caſe, no poſsible inconvenience can have been occaſioned; for, had Bills been laid before a Grand Jury, accompanied by ſuch Evidence, as appears to have exiſted, Indictments muſt have been found againſt you. The Grand Inqueſt muſt have ſent you to your trial. It is alſo conſolatary to the Court to know, that although you have been proceeded againſt by Information, you have had every means of defending yourſelves againſt the charges exhibited againſt you—and to the ſame extent, as if you had been proſecuted by Indictment. The obſervation of Mr. Juſtice *Blackſtone*, when ſpeaking of the ill uſe of informations will apply to this caſe.

" ' As to theſe offences, in which informations " were allowed as well as indictments, ſo long as they " were confined to this high and reſpectable juriſdic- " tion, and were carried on in a legal and regular courſe " in His Majeſty's Court of King's Bench, the ſubject " had no reaſon to complain. The ſame notice was " given, the ſame proceſs was iſſued, the ſame pleas " were allowed, the ſame trial by jury was had, the " ſame judgment was given by the ſame judges, as if " the proſecution had originally been by indictment."'

So was it, and has it been in this caſe—You had the the ſame opportunity of defending yourſelves and of exhibiting your innocence. Theſe obſervations apply to you all—I ſhall now addreſs myſelf to you ſeverally."

" You Francis Carnac Brown are a Britiſh Officer, and if it be true, as has been ſaid at the Bar, that Duelling is the *deſeaſe* of the Army; there is no place more fit for the application of a remedy, than in a Britiſh Court of Juſtice. And where a Proſecutor, has poſſeſſed ſufficient magnanimity, to bring ſuch a caſe before this Tribunal, what would be thought of the feelings or conduct of the Judges, if they heſitated to ſuſtain him, with all the power and protection of the law! What examples have not been recently ſet [illegible] but, has afforded to us the greateſt poſsible protection—by declaring that Death by Duelling is MURDER. I cannot better exemplify the opinions which Britiſh Judges have entertained and expreſſed of this deteſtable practice, than by reading the Judgement of the Court of King's Bench in England, againſt Lieutenant Rice, of the Royal Navy, who had been convicted, on a Criminal Information of having ſent a Challenge to his ſuperior Officer.—The Sentence of the Court was paſſed by Mr. Juſtice Groſe, the then Senior Puiſne Judge of the Court, and will be found in the 3d volume of the Reports of the preſent Lord Chief Juſtice of Calcutta.

" This offence, (ſaid the learned Judge.) in mor- " dern times is ſo frequent, that it is become alarm- " ing to the public, and induces to ſuſpect, that " men either are not aware of the conſequences the " offence may lead to, or are become inſenſible " to the miſchiefs of them. That fighting a duel is " a grievous breach of the peace is undoubted; and " that it ought to be ſo conſidered is as clear; inaſ- " much as it may lead to one of the worſt of crimes- " *murder*; the murder of one probably, and poſſibly " of more. I lay ſtreſs upon the word *murder*, be- " cauſe I fear ſome are ignorant, and others will " perverſely not underſtand, that to kill a man in a " duel amounts to the crime of deliberate murder, " whether he that gave or he that accepted the chal- " lenge fall. To every lawyer this is a propoſition " perfectly clear; but that others who are not of the " profeſſion may as perfectly be aſſured of it, I will " read only a paſſage or two from the moſt able wri- " ters upon the ſubject, to ſhew that it is a doctrine " not of modern date, but coeval with firſt inſtitution " of our laws. B. Sir *Mathew Hale*, as correct, as " learned, and as humane a Judge as ever graced a " bench of juſtice, we find it laid down *(a)*, that if " *A* challenge *C*. to meet in the field to fight, and *C*. " decline it *as much as he can*. but is threatened by " *A*. to be *poſted for a coward*. (*an ingredient to be* " *found I fear, in this caſe in ſubſtace. though not* " *in terms*.) if he meet not and thereupon *A* and *B*. " *his ſecond*. and *C*. and *D* *his ſecond*. *meet and* " *fight, and C kill A; this is murder in C. and D* " *his ſecond*. and ſo ruled in *Taverner's* caſe *(b)*. in " which caſe, tried before this Court of *K. B.* in [redacted] ppeared that the deceafed was the that the prifoner accepted the chal fe terms it upon very forcible pro Sir *Edward Coke*, the Lord Chief Juftice. wn the law thus (e): "This is a *plain cafe without any queftion*; if one kill another in fight, upon the provocation *of him which is killed*, this is murder." Of the fame opinion were the reft of the Court. In this cafe it is to be obferved, that the fecond one *Thomas Musgrave*, as well as the principal, was indicted, and the fecond was outlawed. This precedent may well deter others from taking upon them fo illegal and improper an office. And fuch has been the law recognized at different times down to the prefent moment, as we may obferve by what is laid down by a very learned and able Judge (*d*) of the laft reign; his words are, "that in all poffible cafes deliberate homicide upon a principal of revenge, is murder; *for no man under the protection of the law is to be the avenger of his own wrongs*. If they are of fuch a nature, for which the laws of fociety will give an adequate remedy, thither he ought to refort; but be they of what nature foever, he ought to bear his lot with patience, and remember that vengeance belongeth only to the Moft High." Then he goes on: "Upon this principle, deliberate duelling, if death enfueth, is in the eye of the law *murder*; for duels are generally founded in deep revenge; and though a perfon fhould be drawn into a duel, not upon a motive fo criminal, but merely upon the punctilio of what *the swordsmen falsely call honour*, that will not excufe; for he that deliberately feeketh the blood of another on a private quarrel acteth in defiance of all laws human and divine, whatever his motive may be." "Here too we may note this excellent man's opinion upon that punctilio of honour, by the rules of which fome men affect to *palliate and others to juftify* crimes of the blackeft dye, the groffeft frauds, gambling, feduction, adultery, murder. Such was and is the law of honour, and no man will attend to the fubject can doubt of it. In this cafe, if the profecutor had not obeyed the law by confulting his own honour, and not the falfe honour of fwordfmen, and either party had fallen, the other would have undoubtedly been guilty of murder, and liable to an ignominious and fatal fentence; from which had it been his fortune to efcape, either from abfence of witneffes or any other means that fome times occur to caufe a failure of public juftice, the remainder of his life muft have been clouded with the dreadful remembrance that for the purpofe of giving or receiving that miferable thing falfely called *satisfaction*, he had unneceffarily imbrued his hands in the blood of a brother Officer. Fortunately for the defendant, that crime he has not to atone for; he is to receive fentence only for attempting to provoke a duel; the punifhment for this offence, as a mifdemeanor, is difcretionary, and muft be guided by fuch circumftances of aggravation or mitigation as are to be found in the offence."

"This brings me to confider, the Particular cafes which are now before the Court. The fubject has been much and ably difcuffed at the bar, and I therefore do not think it neceffary to enlarge minutely on the circumftances which have already been fo fully confidered."

"You Francis Carnac Brown have been charged, and you have admitted, that you brought into peril the life of a Magiftrate—and without any caufe, unlefs indeed, for that part, which he acted againft your Father. There is no apparent foundation for the report, which you fay occafioned your irritation againft the Profecutor; and when you called on him for an explanation, he immediately difavowed the report—and has invariably difclaimed it.—It is not even now pretended, in [redacted] father's name unhappily tempted you to commit; and, I wifh not to deprive you of that confolation, if the circumftances of the cafe will allow you to experience it. That you fhould have felt indignant at the report which reached you, prejudicial to your father's character was natural—and that you fhould have been defirous of retracting it and of ftopping its circulation was confiftent with manly and filial fpirit—But, you fhould have comported yourfelf moderately and with proper feeling, towards the attainment of thefe objects. Did you conduct yourfelf with moderation or propriety? Did your filial feeling juftify your rufhing in to a Magiftrate, furrounded by his Officers, who it is to be obferved were *natives*,—with your hat on your head—and with a *Horse whip* in your hand—altho' it appears that you had gone thither in a Chair or Palankeen? When the Magiftrate calmly difavowed the report, of which you complained, were you juftified by filial feeling in infifting on a difavowal in *writing*? Were you warranted in uttering the threat, which followed his refufal—or in "*Damning*" the Profecutor when you quitted him? Can filial feeling extenuate the monftrous act, which you afterwards performed, by pofting the Profecutor, in the ftreet of his refidence as "a Liar and a Coward?" Surely, furely fuch conduct as I have flightly alluded to, cannot be palliated by any one who underftands the genuine operation of filial feeling.—As to the other excufe, which has been offered in extenuation—your wounded honor as an Officer—I cannot perceive how your proper honor as an Officer could have been wounded by the conduct of the Profecutor. The high fpirit of honor, which has raifed the Britifh Army to its great military pre eminence in Europe—and which has led to the performance of tranfcendent deeds,—conferved by immortality—is greatly different from the fpirit, by which *you* appeared to have been actuated: and, I have no doubt, but, that if you had been tried by a Court Martial, for the offence of which you have been convicted in this Court, you would not only have been Cafhiered—but that the Commander in Chief would have declared to the army, his fentiments of indignation againft the very act, which you fay, you were prompted to commit, by a fenfe of Military honor!

"Bad, however, as the cafe of the Defendant Brown certainly is—the cafe of you Archibald Douglas is infinitely worfe. *You* ought not to have accepted the office of a Second, which is illegal and bad at beft: by which you, from the particular circumftances proved to the Court, were utterly unfit to perform. If you had poffeffed the feeling of a virtuous man, would you not have faid to your friend the Defendant Brown—"I really feel for your fituation—and fincerely defire that Mr. Baber may relieve your mind.—In any other cafe I would willingly become your mediator, but I am fo fadly circumftanced with Mr. Baber that I cannot communicate with him. *My* prefence will but produce irritation, and poffibly prevent him from faying to me, what he might be inclined to fay to any other perfon." Should you not have made a reply, of the kind that I have fuggefted, when Lieutenant Brown afked *you* to become his Second?—If fuch an Office *can* be contemplated in this place, I prefume that the perfon who undertakes it, is bound to mediate—to endeavour to appeafe and to conciliate the parties in difference. Were *you* in fuch a fituation, that you could confcientiously interfere between Mr. Baber and Lieutenant Brown?—*Did* you interfere moderately and with a view to conciliation?—Did you even give Mr. Baber any alternative?—*You*, were not actuated by filial feeling—or by any miftaken fenfe of military honour—*You* had no anxiety to remove a ftain from a father's good name—But, yet you rufhed in, on the privacy of the Profecutor, with your hat on your head and a ftick in your hand!—It has indeed been *said*, for you, I am aware, that you ufually carried a ftick.—If this be fo you were moft particularly required to have left it at the door, when you thus entered the Profecutor's houfe.—But, you entered it as I have defcribed you—and then, *how* did you conduct yourfelf? Did you fpeak mildly—or ask for reafonable fatisfaction?—Did you endeavour by your language to remove the impreffion which muft have been created by your offenfive and menacing conduct?—No—when Mr. Baber, declared—that he had forcible reafons for not holding any communication with you.—You told him that "you had come to demand of him to meet and Fight, with Lieutenant Brown—and that if he did not fight, he fhould be pofted as a Liar and a coward, and that eternal Difhonour and infamy fhould be Brought upon him."—I am of opinion, that the difhonour and the infamy recoil on him who could, under all the circumftances of the cafe, bring himfelf to utter fuch abominable language! I will add, that I have no doubt, but that you were alfo privy to the pofting of Mr. Baber.—Circumftances tend to fhew the fact—and you have not ventured to deny it.

With refpect to you Thomas Gahagan—there are fome circumftances which diftinguifh your cafe from thofe on which I have obferved.—Your delinquency is not fo great as that of the other Defendants.—But, altho' you were not the Regifter of the Court, whereof the Profecutor was Judge, as this Court at one time had fuppofed—you were at the time of this unfortunate tranfaction, Regifter to the Provincial Court.—You were in the fame line of fervice—and ferved the fame mafters with the Profecutor. As an Officer in a Court of Juftice, you were not only bound to know, but particularly required to refpect the Law [redacted] you were applied to by the Defendant B[redacted] challenge to the Profecutor, you fhould [redacted] red that he had been clothed, by your fu[redacted] facred character of a Judge and Ma[redacted] ought to have known, that you as an [redacted] tice were particularly unfit to undert[redacted] Second in a private quarrel.—It would [redacted] come you to have declined the improp[redacted] and to have advifed the Defendant B[redacted] from the affidavits. *You* ftill affert that he did—and Mr. Baber denies having ufed the expreffion: But, admitting that Mr. Baber ufed the offenfive expreffion—or that you believed he had uttered it—how could you, under the circumftances which then exifted cruelly ftir up another quarrel between Mr. Douglas and the Profecutor? This is a matter of great aggravation in your cafe, and I cannot fee in your affidavit any extenuation of your offence. That you were removed by Government from your fituation as Regifter, I am not furprifed. It was a meafure no lefs rendered neceffary for the peace of the Province, than for the maintenance of judicial authority.

It has been the fubject of deep confideration with Mr. Juftice Newbolt and myfelf, what meafure of punifhment fhould be inflicted on you feverally, and I fhall now pronounce the fentences on which we have agreed.

"You Francics C. Brown fhall be imprifoned in His Majefty's Goal for the fpace of two Calendar Months and two weeks.—Pay a fine to the King of 10[illegible] Pags. and enter into a recognizance with fureties, yourfelf in 1000 Pags. and each, of your fureties in 500 Pags. to keep the peace, for 3 Years—and to be further imprifoned until your fine fhall be paid and your recognizance entered into."

"You Archibald Douglas fhall be imprifoned in His Majefty's Gaol for the fpace of 5 Calendar Months and 2 Weeks.—Pay a find of 1000 Pagodas and enter into a recognizance with fureties, yourfelf in 2000 Pagodas and each of your fureties in 1000 Pagodas to keep the peace for three years and to be further imprifoned until your fine fhall be paid and your recognizance entered into."

"You Thomas Gahagan fhall be imprifoned in His Majefty's Gaol for the fpace of three Calendar Months and two weeks—Pay a fine of 100 Padodas and enter into a recognizance with fureties yourfelf in 1000 Pagodas and each of your fureties in 500 Pagodas to keep the peace for three years and to be further imprifoned until your fine fhall be paid and your recognizance entered into."

The Defendants were then reconducted to Prifon—purfuant to their fentences.

That our report has failed to convey the effect which was produced on the occafion is more than probable—but we hope, that the termination of this proceeding, will be productive of the moft beneficial effects in every part of Britifh India—that the opinion expreffed by the Lord Chief Juftice of the prevalent and tolerated, though deteftable and flagrant crime of Duelling, will not only deter the irritable and impetuous Young Men of the prefent age from reforting to this unjuft, unlawful and inhuman appeal—but that it will fortify the refolution of thofe, who have fufficient magnanimity and *veritable* courage to brave opinions—alike unfounded in real honor—and repugnant to morality and religion.

It may be proper to add, that at the time when the Court delivered its opinion on the objections urged in Arreft of Judgement, the Lord Chief Juftice caufed it to be intimated, that if the Defendants fhould be advifed to appeal from the Judgement about to be pronounced to the Prince Regent in Council—the Court would not only grant the leave, which it had the difcretion to refufe; but, that the Defendants fhould not undergo any part of the Sentence until time fhould be allowed to profecute their Appeal with effect—and that the only condition which would be impofed on them, fhould be, to enter into recognizances, not to depart beyond the limits of the Madras Government, until [redacted] decided.—On the day, when [redacted] ed the Court in extenuation [redacted] ed the Court, that his Clients [redacted] appeal.

(*a*) 1 Hal[redacted] Rol. Rep. 360. 3 *Bulstr.* 171[redacted] (*d*) Mr. Justice *Foster* in his [redacted]

THE NEWS,—JUNE 20th.

FEMALE MANAGEMENT.

"That Lady PERCEVAL, *from motives of benevolant intereft* in Mr. MITFORD and his family, and his diftant connection with Lord REDESDALE, *admitted him as an occasional visitor at her houfe*. When the ftate of his mind not appearing to render him incapable of conveying an ordinary letter, meffage, &c. Lady PERCEVAL has frequently employed him on fuch occafions."—*Morning Chronicle, April* [redacted] it was impoffible to queftion. If Mr. Mitford was, as Lady Perceval has fince infinuated, unfit to be trufted, how were we to know it?—We did not truft him, fo much as the perfon that fent him. It was not for us to go about inquiring the character of a perfon honoured by the confidence of a Lady of fuch high rank purity of conduct as Vifcountefs Perceval. Such, however, is the ftate of darknefs in which the forged letters in difpute are wrapped, that we are reduced to make ufe of the means in our power for the purpofe of exculpating ourfelves.—We never have faid, nor cannot fay, Lady Perceval forged them nor can we affert, from our own knowledge, they ever were feen by her until we publifhed them. This however, we fay—that the Gentleman who Lady Perceval in the paragraph we have quoted at the head of this article calls "an occafional vifitor," but who we have already proved to have been honoured with much more confidence than is ever extended to an occafional vifitor—brought them to us and informed us "he received them from her Ladyfhip;" and to convince us that Lady Perceval was in the conftant habit of employing him in fuch confidential matters relative to the Princefs of Wales, he gave into our poffeffion a number of her Lapyfhip's private letters, which afford the cleareft evidence that he was fo employed, and that too for a length of time. Two of thefe we now publifh, as follow:—

Letter from Lady Perceval to John Mitford, Efq.

"Sunday, March 7.

"It is very fingular that fince m[illegible]n left you at the coffee houfe*, Friday evening, I have neither heard of you or feen you—No papers—no infertion.—By which therefore (if it is that there is no infertion) of either the Remarks, or the letter of Interrogator, I infer that your friend Mr. M—does not mean or wifh to infert either.—He had much better have candidly faid this from the firft, I muft defire therefore that without fail, you bring back both the manufcript of the Remarks and that of the Letter.—Both are abfolutely neceffary for publication for the Caufe. You may fay from your friend to Mr. M. that fince he and Mr. T. object to its infertion, and delay it day after day, your friend directs you to return both immediately.

"I hope you have not forgotten about tomorrow's noon, and will not fuffer delays upon that point.—You underftand my allufion?†

"You muft not come to where I am now‡, but to the Green Man Inn, and from thence fend me a note to fay you are there. I fhall be in town very early to-morrow morning—fo at all events let me hear from you there, for now I defpair of doing fo in this neighbourhood."

Letter from Lady Perceval to John Mitford, Efq.

"Here is the copy for the L——, for I fuppofe you will fend it now. I have had no Stars as you promifed me laft night. Pray bring fome to-morrow to where I am going, and fend in word a Gentleman has called on Lady P.§——You may come down this evening, if you can, to tell me all that paffed fince. I am going at 5 o'clock. Be here before, if you can. I muft fee you before, Monday. When is the other letter to be in? I can affure you, we muft work them well. If M. does not like to put it in, I wifh you would withdraw it, that I may fend it elfewhere. M. neglects, I think, the caufe."

We wifh our readers particularly to notice, that the greateft care has been taken in printing the above letters, exactly from Lady Perceval's manufcript. Where a fingle line is drawn under a word or a fentence, they are printed in Italics—where two lines are placed, they are printed in fmall Capitals—Neither of the above letters have any fignature; but we can prove them to be in the hand-writing of her Ladyfhip.

We think we have now fufficiently [redacted] with an [redacted]

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* This was the Exchequer Coffee-houfe, where Mr. Mitford, Mr. John James Perceval, and Mr. Speechly had been on Friday, March 5th, after attending the Houfe of Commons. to hear the debate on Mr. Cochrane Johnftone's motion, relative to the Princefs of Wales.

† Mr. Mitford has explaned this important bufinefs to us in the following manner:—The Princefs of Wales was expected in town on Monday the 8th of March, and fome officious perfon, being defirous that certain marks of refpect might be fhewn to her Royal Highnefs, Mr. Mitford and another Gentleman (a Mr. M.—who belongs to an Evening Paper were employed to procure a number of Irifh chairmen and others, to take the horfes from the carriage near the Mews gate, and from thence to drag her Royal Highnefs to Warwick houfe, where fhe was going on a visit to the Princefs Charlotte of Wales. This, we are told by Mr. Mitford, was the important Commifsion, to effect which "no delays were to be fuffered" Mr. M. and his colleague, however, as the day approached, became alarmed, and moft bafely deferted their pofts. Her Royal Highnefs therefore was allowed filently to proceed.

‡ As this letter contains no mention from whence it was written, we have been, very particular in our enquires on that fubject, and Mr. Mitford has afsured us that "you muft not come to where I am now," meant that he muft not came to Montague-houfe where Lady Perceval then was.

§ Mr. Mitford has informed us that he underftood by "Where I am going;" to mean No. 16, Abingdon-ftreet—of which houfe more anon.

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ADDITIONAL
Supplement to the Bombay Courier.

SATURDAY 19th MARCH 1814.

Continuation of the Accounts from Constantinople of the 29th of November.

On the 31st, at eight in the morning, General Count Wrede thought it necessary to quit this Town, and taking a position on the left bank of the Kingzing; He played his Artillery and produced a severe loss on the Enemy, the Enemy, at the same time, that he re-occupied Hanau, defiled a part of his Troops towards Mentz; General Count Wrede thought this a favorable moment to render the retreat of the rest of the Army disastrous, and he accordingly resolved to retake Hanau by assault. An order for this purpose was issued on the same day (the 31st) after midnight. The Austro-Bavarian troops precipitated themselves in advance at the word of their Chief, who putting himself at their head shewed them the road to Victory! The fury of the troops overcame [illegible] obstacles, the town was taken by assault, [illegible]ssacre was frightfull, nothing could [illegible] rage of the Soldiery, the streets wer[illegible]d with the dead of the enemy: among [illegible] prisoners were two [illegible]als and a great number of Staff officers.

[illegible] 31st, at 8 o'clock in the evening we [illegible]d 5000 prisoners.

[illegible] these transactions the French Generals [illegible]owsky and Zaluela with two Regiments of cavalry of Baden abandoned the enemy's Standard, and came over to that of the Allies.

During these three days of memorable fighting the young French-guard was continually engaged; its loss has been very considerable.

Whilst the Austro Bavarian troops altho' inferior in numbers, opposed themselves in so glorious a manner, and with such great intrepidity to the retreat of the French, the Enemy's Rear Guard was constantly harrassed by the Corps of Count Orloff Danissoff and of the Hetman Count Platoff.

On the 30th of October Count Orloff pierced twice across the Enemy's Columns, and reached the Village of Rothenburg two hours after the Emperor Napoleon had quitted it; he was joined at this place by the Austrian Colonel Gasser, and the Enemy was obliged to defile, under a brisk fire of Artillery directed by Count Orloff.

On the 31st the Hetman Count Platoff and Count Hadick made a Junction with Count Orloff, together with a light corps of General Count Wrede's, and again attacked the Rear Guard of the Enemy near Gellenhauzen; put it to the route, took 1500 men and many Officers.

General Count Bubna who must have reached Gullenhauzen the same day, informs us that at every step he perceived the distresses and losses sustained by the Enemy in his precipitate retreat, that the roads were covered with Frenchmen dead or dying, that thousands of Stragglers followed in a most deplorable state; that every moment great numbers were falling from excessive misery, that the inhabited places where the Enemy had gone, offered the same spectacle, and that the Churches and publick edifices were filled with the dead and the dying.

The detachments of General Count Wrede had intercepted a French Courier, the bearer of Marshall Soults dispatches, on the most recent events of the Frontiers of Spain and France.

He informs us that Marshall Wellington had repulsed the French Army on the 7th of October beyond the Bidassoa, and had already advanced with part of his victorious troops into the French territory, and also that Marshall Soult in one of his reports of the 16th of October, expresses great apprehension at the consequences which are likely to attend the French Army on account of the general attack which he expected from Lord Wellington: and lastly, he announces that the English Commander in Chief in a Proclamation to his Troops declares his intention of taking up his Winter Quarters in France.

Marshall Gouvion St. Cyr having made a movement from Dresden upon Torgau, with the intention of adding to his force the Garrison of that place, and of that of Wittemberg, and also by endeavouring to reach Magdeburg to effect his retreat [illegible] considerable [illegible] side to fight [illegible] to cut him off.

General [illegible]ttenborn on the 15th of October obt[illegible] the Town of Bremen by capitulation.

General Count Walmoden observes the movement [illegible] Marshall Davoust, who will not delay in attempting a retreat.

On the 31st of October the Head Quarters of His Majesty the Emperor of all the Russias were at Meinungen, at the same date those of His Majesty the Emperor of Austria were at Schluhtern, and on the 6th of November this Sovereign had made a solemn entry into Franckfort.

On the 20th of October the Head Quarters of his Highness the Prince Royal of Sweden were at Muhlhausen. Cassel had been taken by Lieutenant General Count St. Priest.

The latest accounts from the Austrian Army in Italy, in communicating its position, inspire us with the lively hopes of the success of its ulterior operations.

On the 20th of October Bassano was taken.

On the 26th the enemy was repulsed with considerable loss as far as Ròsana.

In the Valley of the Adige he had been driven from his position at Casiano and La Pietre.

On the 27th he was obliged to retire behind Alla.

On the 30th he was driven back as far as Valvallone and the Austrian Troops advanced as far as Pordenena, their advanced posts were at Fontona-fredda, one Corps marched upon Treviso, from whence dispositions were made to invest Venice.

Accounts indeed state that the advanced posts were already at Mestre, and that the Viceroy Prince Eugene was already posted with his army between the Izingo and the Tagliamento, without being able to effect his retreat because of the overflowing of the Rivers.

The Austrian army wiil certainly profit by this delay.

On the 31st of October, the Fortress of Trenté surrendered by capitulation. The garrison were made prisoners.

It has been the same with the Fortress of Triesté in which the enemy had maintained themselves ever since the occupation of that Town by the Austrian Troops—We found here 184 pieces of cannon.

Field Marshal Lieut. Radivo Giawitche informs us from his head-quarters at Monteviano dated the 28th of October, that by the wise measures of Lieut. Herakoviche who had been sent to the environs of Ragnes that the Croatian garrisons of the Forts Castelnuovo, St. George, Perasto, and Cataro, had surrendered to the English by capitulation.—These garrisons were afterwards embarked, and transported to Fiumi, to unite with their countrymen who are now armed for the deliverance of Italy. Every thing presages that this beautiful and interesting country is about to be restored to its liberty.—That of Germany, obtained at Leipsig, is secured by the consequences of the memorable victory of the 19th of October; [illegible] numerous armies, animated by a [illegible] spirit, crowned by immortal laurels, se[illegible] of their strength and their duties, so full of confidence in their Commanders will not fail [illegible] the hopes of the world. They have [illegible] the delusi[illegible] invincibility of the [illegible] Napoleon, [illegible] the confederation of the Rhine. They will obtain the deliverance of Europe.

Postscript.

We understand that the Battles said to have been fought between Buonaparte and the Allies on the 17th of September and three following days, when he attacked their entrenched and fortified position at Tœplitz did actually take place; and that it was in consequence of his failure in this attack, that he was obliged to retreat to Leipsic, and from thence to Hanau and Mayence.

It does not appear what part of the Allied Armies crossed the Rhine at Basle, but it was probably a Corps of the Austrian Army, as this place seems too far to the Southward, to be the place of crossing for the conquerors of Hanau and Leipsic.

We hear, that, another American Frigate has been taken by our Cruizers.

Extract of a Letter from London, dated the 22d of November.

"We have the pleasure to acquaint you that on the advance of the Allies towards Holland, a complete Revolution took place in that Country, and that the French were expelled from the Provinces of Holland and Utrecht and the Prince of Orange recalled: this event was accomplished on the 16th Instant, and Deputies arrived yesterday to invite the Prince over who sets out this day, and will be followed by about 6000 Troops, we have no doubt that the other Dutch Provinces will follow the example, and that the Scheldt Fleet, if not surrendered to us, will no longer be at the disposal of the French, who may be now considered as deprived of all their power and influence beyond the Rhine."

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